

POLICY BRIEF

**RECOMMENDATIONS
FOR THE NEW
ADMINISTRATION**

Key Middle East Policy Issues for the Biden Administration

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This brief is part of a series of policy recommendations for the administration of President Joe Biden. Focusing on a range of important issues facing the country, the briefs are intended to provide decision-makers with relevant and effective ideas for addressing domestic and foreign policy priorities. View the entire series at www.bakerinstitute.org/recommendations-2021.

Countries within the Middle East continue to be beset by civil and armed conflict. The region also faces a number of other important challenges, ranging from effective governance to religious pluralism to geopolitical rivalries. This policy brief explores some of the most pressing and multifaceted considerations the Biden administration should address in developing a strategy for the Middle East. It provides analysis and policy recommendations relating to ongoing developments between the Gulf Cooperation Council (GCC) states, U.S.-Iran relations, Islamist groups, and refugees and migration. Further CME publications will address other crucial issues, such as the prospects for Israeli-Palestinian peace and the ongoing crisis in Lebanon.

ARAB GULF STATES — KRISTIAN COATES ULRICHSEN

The Gulf Cooperation Council (GCC) is a crucial element in the political and security architecture of the Persian Gulf. A robust and cohesive GCC can support and amplify

the reassertion of U.S. diplomatic efforts in the region, especially in re-engaging with Iran and ending the war in Yemen. As the GCC moves beyond the bitter rift that pitted three member-states against a fourth, Qatar, between June 2017 and January 2021, there is an opportunity to realign all six GCC states around a common approach to critical regional defense and security issues. There is also a mood of greater realism and restraint among leaders in GCC capitals and a sense of the limitations of the unilateral projection of power that characterized Gulf politics in the decade from the Arab Spring through to 2019.

The Biden administration should identify measures that lock the GCC into regional diplomacy and give U.S. partners a constructive stake in relevant policy processes and outcomes. Examples of actionable early measures include the following:

- Reactivate and strengthen the U.S.-GCC working groups set up after the Camp David summit with Gulf leaders in 2015 and focus initially on addressing issues



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of common concern, such as pandemic and post-pandemic responses.

- Coordinate with GCC officials on monitoring and oversight measures to guarantee commitments made by all parties to the Gulf rift to ensure that the 2021 agreement between Saudi Arabia, Qatar, and other states does not break down in rancor as the 2014 Riyadh Agreement did.
- Extend the offer of inclusion in “JCPOA+” negotiations to the GCC rather than to individual states to reinforce the multilateral focus of regional dialogue and allay potential concerns that likely would arise if some states are given a seat at the table but not others.

First and foremost, President Biden should try to disentangle his Iran policy from domestic politics. He should quietly reach out to the more moderate and established figures on the center-right to form a viable bipartisan consensus that represents not a particular administration or party, but the United States.

BIDEN'S IRAN POLICY STARTS AT HOME — MOHAMMAD AYATOLLAHI TABAAR

As the Biden administration takes office, Washington is once again confronted with a challenge that has haunted the United States for decades: how to handle Iran's nuclear, military, and regional ambitions, which seem to be on the rise despite nearly four years of crippling sanctions under former President Donald Trump.

Iran has expanded its nuclear program in response to the Trump administration's “maximum pressure” policy and withdrawal from the Joint Comprehensive Plan of Action (JCPOA). It has reduced some of its commitments under the agreement, including the resumption of 20% uranium enrichment as well as the production of uranium metal. Tehran has vowed to take even more drastic measures if the United States does not honor the JCPOA.

On the campaign trail, then-candidate Joe Biden pledged the United States would return to the JCPOA if Iran agreed to fully comply with the deal. Similarly, Iranian leaders have promised that if the United States first removes the Trump-era sanctions, they would reverse their recent steps. However, the U.S. return to the JCPOA has proved to be a more arduous process than many had anticipated. The Biden administration's senior officials—including National Security Advisor Jake

Sullivan, Deputy Secretary of State Wendy Sherman, CIA Director William Burns, and Iran envoy Rob Malley—negotiated the JCPOA with Iran under President Barack Obama. Nevertheless, they have come under enormous pressure domestically and from Israel, Saudi Arabia, and the UAE to not return to the deal and instead leverage Trump's unprecedented financial and energy sanctions on Iran. Moreover, the previous administration linked many of the nuclear-related sanctions to terrorism and human rights, making their removal more complicated in the future. Meanwhile, Iran has demanded a verification process for U.S. compliance, should Washington return to the JCPOA. Additionally, some Iranian officials have even warned for the first time that if cornered by international pressure, they may even weaponize their nuclear program.¹ To avoid a looming conflict, some experts have suggested a “clean” return to the JCPOA or an interim agreement to prevent Iran from making more nuclear progress. Others have recommended patience until Iran's next presidential election in June or exerting even more pressure to force Tehran to surrender.

The tense debates in Washington over a wide range of policy options reveal the ever-increasing gap on the Iran question. Perhaps the best advice for President Biden is that before making any move on Iran, he needs to first deal with U.S. domestic politics. After all, the JCPOA failed precisely because of a lack of internal consensus during the Obama-era negotiations with Iran.

As long as Iran is a subject of partisan politics, Washington's policy—whether in the form of a nuclear agreement or all-out maximum pressure—will fail. Iranian leaders are now well aware that any agreement that President Biden approves can be canceled in four years, or even in two years after the next midterm congressional elections.

Iran is presenting the United States a clear choice: either implement the JCPOA fully or Iran may make the political decision to push its nuclear program forward. To address this challenge, President Biden needs first and foremost to try to disentangle his Iran policy from domestic

politics. Instead of launching a noisy media campaign² to sell the Iran deal as the Obama administration did, President Biden should quietly reach out to the more moderate and established figures on the center-right to form a viable bipartisan consensus that will represent not a particular administration or party, but the United States.

ISLAMIST MOVEMENT AND PARTIES — A.KADIR YILDIRIM

Islamist movements and parties have been a permanent presence in the Middle Eastern political landscape since the 1970s. Oftentimes, the ideologies of these movements face intense internal scrutiny: do they respect democratic governance and pluralism, or do they condone extremism and violence? As members of many Islamist movements win elections and become a part of government, these questions become more critical, and rightly so. The concern with possible Islamist governments has resulted in policies aimed to compel Islamist movements to change, or moderate, their ideological orientations. This singular focus on ideology has led policymakers to periodically sanction Islamist movements for ideologies thought to lean toward extremist and anti-democratic agendas. Yet such direct attacks on Islamist ideology have rarely produced the desired effect of ideological moderation. It is the hybrid organizational structure of Islamists that allows these movements to function as mass organizations that operate in the political, social, and religious arenas, thereby shaping their political discourse and ideology. It is no coincidence that organizational separation in Islamist movements such as Morocco's Party for Justice and Development, Tunisia's Ennahdha, and Turkey's Justice and Development Party in recent years has been accompanied by ideological moderation.

The Biden administration should pursue a policy approach that prioritizes organizational change in Islamist movements in the Middle East, in particular a formal separation between an Islamist political party and its affiliated religious

movement. This policy should build on the existing division between the political and religious factions. Islamist movements can be incentivized by conditioning their political participation on formalizing the divide between their political and non-political activism. This separation should encompass the finances and personnel of the movement and the party. The policy can also facilitate the conditions for fair political competition between Islamist and non-Islamist parties. Islamists command an inherent advantage over non-Islamist parties with their hybrid organizational structures. Many non-Islamist parties lack the resources and grassroots mobilization that offer a chance at competing with Islamist parties. In this regard, a policy of organizational separation in Islamist movements can level the playing field for other political parties in the system. Ultimately, the objective is to give governments the ability to hold Islamist parties accountable and establish a mechanism to check on party compliance. In cases where the party fails to uphold the formal separation between the party and the movement, the political party may face sanctions that would temporarily constrain the party's ability to participate in the formal political arena. This policy can facilitate ideological moderation and anchor broader democratization processes in the region's countries.

REFUGEES AND MIGRATION — KELSEY NORMAN

The Syrian displacement crisis remains the largest in the world, and resettling Syrian refugees who meet eligibility criteria should be a cornerstone of President Biden's revamped resettlement policy. Yet even under the administration of Barack Obama, Syrians were disproportionately excluded from resettlement eligibility on "security" grounds, often for innocuous associations with opposition groups in Syria.³ The reality of the Syrian conflict is that nearly every civilian has been touched by the war in some way, and simply having a family member who fought in an opposition group

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or sold a sandwich to an opposition fighter should not be grounds for inadmissibility.⁴ But in his executive order, Biden attempted to walk a fine line between appeasing hard-line immigration critics advocating for stricter screenings of refugees on the one hand, and refugee and humanitarian workers calling for a more humane and accommodating process on the other. If Biden is serious about raising the number of resettled refugees to 125,000 next year—and about resettling Syrians more specifically—he should err on the side of more transparent and accommodating, though still efficient and effective, screening policies.

Refugee resettlement was once an issue with broad bipartisan support in the United States. It was only after the Paris attacks of 2015—following which news reports falsely accused Syrian refugees of responsibility—and the candidacy and presidency of Donald Trump that calls were made for the further security screening of resettled refugees, who already undergo the most stringent vetting of any immigration category to the U.S. It is incumbent upon President Biden to return us to an era of depoliticized refugee resettlement, and he can do so by increasing the transparency, accountability, and effectiveness of the process.

Beyond disregarding the plight of Syrian refugees, the Trump administration took unprecedented actions to limit the number of resettled refugees, asylum seekers as well as regular and irregular migrants allowed to come to or remain in the United States. President Joe Biden has already taken steps to reverse these measures and pave a progressive pathway forward on the topic of asylum and refugees, but some issues require further action.

First, the Biden administration must restore the credibility of the U.S. asylum system. On February 19, 2021, Biden began the critical process of officially ending the Migrant Protection Protocols (MPP), which required asylum seekers to remain in Mexico rather than allowing them to lodge asylum claims in the U.S.⁵ To build on this measure, the administration must direct the necessary resources—financial and personnel—to ensure that asylum applications are

processed fairly and efficiently and that asylum seekers are allowed to remain inside the U.S. but outside of private detention facilities while awaiting their hearings. Contrary to unfounded claims that asylum seekers fail to appear for their hearings unless placed in private detention, a recent study from the American Immigration Council found that 83% of all non-detained asylum seekers attend all their court hearings, and this number is even higher (96%) for those who have a lawyer.⁶ This policy is critical for ending the use of private detention facilities within the U.S. asylum system, though the administration will have to sufficiently support the nonprofit organizations assisting asylum seekers while they await trial in order for it to work.

Second, the Biden administration must assess its Central American strategy. The administration already took steps to end the highly questionable safe third country agreements that the Trump administration enacted with Central American countries.⁷ Under a safe third country agreement, asylum seekers arriving in the U.S. can be sent back to a country they passed through such as Guatemala or Honduras. The agreements were rightly cancelled since these countries lack well-functioning asylum systems and individuals returned to these countries may be subject to generalized violence. Yet the Biden administration has stated that it instead prefers a migration-for-development approach that promises \$4 billion in aid over four years to address the “root causes” of migration—including gang and gender-based violence and corruption. It is not clear that migration-development schemes actually decrease migration in the short term,⁸ and my research from the Mediterranean context shows that such aid can create perverse incentives that are not in the interest of refugees and migrants.⁹ As such, aid distributed to Central American countries should not be contingent upon preventing onward migration to the U.S. Nonetheless, ending Trump's safe third country agreements is an important step toward reaffirming the right to seek asylum in this country.

Finally, the administration should take

steps to increase the effectiveness and transparency of the refugee resettlement system, in addition to implementing its promised 125,000 ceiling for FY 2022. Biden issued an executive order on February 4, 2021, that lays out the steps by which his administration can reverse the Trump administration's funding cuts to the U.S. government agencies and affiliates that vet and process refugees abroad and the organizations that assist refugees once they arrive in the U.S, in addition to providing refugees with a more straightforward and accountable process.¹⁰ Following through on this strategy immediately, ahead of the start of FY 2022, is critical for restoring America's stature in the world as a leader on refugees and ensures that other countries believe we are doing our fair share, encouraging them to also follow through on refugee-hosting commitments.

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